

In re:)
)
) **Case No. 3:19-bk-1971**
)
 CAPSTONE PEDIATRICS, PLLC,)
)
) **Chapter 11**
)
 Debtor.)
)
)
)
 _____)
)
 CDS BUSINESS SERVICES, INC.)
 d/b/a NEWTEK BUSINESS CREDIT.)
)
)
 Plaintiff,)
)
)
)
 v.) **Adv. Proc. No. 3:20-ap-90140**
)
)
)
 AMERICA CARES TRUST d/b/a)
 CARENATION)
)
)
 Defendant.)

Before the Court is the Second Motion for Limited Relief from Agreed Order Granting Expedited Motion for Preliminary Injunction, filed by Defendant America Cares Trust, Inc. d/b/a CareNation (“**CareNation**”) (Docket Entry No. 41). It appearing from the Supplemental Memorandum In Support filed by CareNation (Docket Entry No. 42) that neither CDS nor the Debtor oppose the relief sought, or modification of the Preliminary Injunction under the terms

set forth below, it is hereby **ORDERED** that the September 18, 2020 Preliminary Injunction in this matter (Docket Entry No. 12) shall be **MODIFIED** as follows:

1. Immediately upon entry of this Order, the Debtor, by and through the Chief Reconstruction Officer (**CRO**), is hereby authorized and directed to issue from the remaining balance in Account XXXXXXXX239 a wire transfer in the amount of all remaining proceeds payable to America Cares Trust, Inc. d/b/a CareNation (the “**Residual Balance**”). As reflected in CareNation’s Supplemental Memorandum, neither CDS nor Debtor claim any interest in the Residual Balance.

2. Except as otherwise ordered above, the Preliminary Injunction remains in full force and effect, pending further Orders of this Court. All claims, defenses and other matters regarding the subject matter of this adversary proceeding are hereby **RESERVED**.

It is so **ORDERED**.

[This order was signed and entered electronically as indicated at the top of the first page.]

SUBMITTED FOR ENTRY:

BONE McALLESTER NORTON PLLC

/s/ William J. Haynes, III

Sam J. McAllester III, #03461

William J. Haynes III, #17398

511 Union Street, Suite 1600

Nashville, Tennessee 37219

(615) 238-6300 Phone

(615) 238-6301 Facsimile

Email: smcallester@bonelaw.com

whaynes@bonelaw.com

*Attorney for America Cares Trust,
d/b/a CareNation*

/s/ Daniel H. Puryear with permission (WJH)

Daniel H. Puryear #18190
Puryear Law Group PLLC
104 Woodmont Boulevard, Suite 201
Nashville, TN 37205
615-255-4859 (phone)
615-630-6003 (fax)
dpuryear@puryearlawgroup.com

*Counsel for the Plaintiff,
CDS Business Services, Inc.
d/b/a Newtek Business Credit*

/s/ David W. Houston with permission (WJH)

David W. Houston. IV #20802
Burr & Forman LLP
222 Second Avenue South, Suite 2000
Nashville, TN 37201
615-724-3215 (phone)
615-724-3315 (fax)
dhouston@burr.com

Counsel for Capstone Pediatrics, PLLC

Megan Seliber with permission (WJH)

Megan Seliber
Office of the U.S. Trustee, Trial Attorney
318 Customs House, 701 Broadway
Nashville, TN 37203
(615) 695-4060
megan.seliber@usdoj.com

Counsel for the U.S. Trustee

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed electronically on October 30, 2020. Notice of this filing was sent by operation of the Court's electronic filing system to all those parties specifically requesting electronic service and as indicated on the electronic filing receipt. Parties may also access this filing through the Court's electronic filing system.

Daniel H. Puryear
Puryear Law Group PLLC
104 Woodmont Boulevard, Suite 201
Nashville, TN 37205
dpuryear@puryearlawgroup.com

*Counsel for the Plaintiff,
CDS Business Services, Inc.
d/b/a Newtek Business Credit*

David W. Houston IV
Burr & Forman LLP
222 Second Avenue South, Suite 2000
Nashville, TN 37201
dhouston@burr.com
Counsel for Capstone Pediatrics, PLLC

Daniel Fleming
Wong Fleming
821 Alexander Road, Suite 200
Princeton, NJ 08540
dfleming@wongfleming.com
Counsel for Bank of America, NA

Megan Seliber
Office of the U.S. Trustee, Trial Attorney
318 Customs House, 701 Broadway
Nashville, TN 37203
megan.seliber@usdoj.com
Counsel for the United States Trustee

/s/William J. Haynes, III
William J. Haynes, III